

USSN: 10/526,132
Attorney Docket No. P02039US2A
Reply to Final Office Action dated October 28, 2009
Amendment dated December 28, 2009

REMARKS/ARGUMENTS

Amendments to the Claims

Claim 16 has been amended to correct a typographical error in the formula. No new matter has been added.

Claim Rejections under 35 USC § 112

Claims 22-24 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 22-24 have been cancelled thereby rendering the rejection moot.

Claim Rejections under 35 USC § 101

Claims 22-24 are also rejected under 35 USC § 101.

Claims 22-24 have been cancelled thereby rendering the rejection moot.

Claim Rejections under 35 USC § 102

Claims 1 and 4-6 are rejected under 35 USC § 102(b) as being anticipated by Kapuschinski et al. (US 5,374,364) for the reasons set forth in item 1 of the Office Action mailed 3/17/2009.

Claims 1 and 4-6 have been cancelled thereby rendering the rejection moot.

Double Patenting Rejections

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Claims 1, 4, and 6 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 1-4 of co-pending Application No. 11/900,686 for the reasons set forth in item 5 of the Office Action mailed 2/25/2008. Claims 1, 4, and 6 have been cancelled thereby rendering the rejection moot.

Claims 1, 4, and 6 are rejected on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 1-4 and 13-31 of Patent 7,462,677, for the reasons set forth in item 5 of the office action mailed February 25, 2008. Claims 1, 4, and 6 have been cancelled thereby rendering the rejection moot.

Claims 1, 4, and 6 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 1, 16, 18 and 22 of co-pending Application No. 11/331,663 for the reason set forth in item 6 of the Office Action mailed 2/25/2008. Claims 1, 4, and 6 have been cancelled thereby rendering the rejection moot.

Claims 1, 3, 4, 6, 9, 10, 13, and 15 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 20-68 of Patent 7,186,845 for the reason set forth in item 7 of the Office Action mailed 2/25/2008. Claims 1, 3, 4, 6, 9, 10, 13, and 15 have been cancelled thereby rendering the rejection moot.

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CONCLUSION

It is respectfully submitted that all pending claims are in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 06-0925 (Docket #: P02039US2A).

Respectfully submitted,

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